

AFFIDAVIT OF SERVICE THROUGH THE SECRETARY OF STATE

Index # 07CIV8359

Purchased/Filed: September 26, 2007

STATE OF NEW YORK

SUPREME COURT

SOUTHERN DISTRICT

Philip Morris USA Inc.

Plaintiff

against

A & V Minimarket, Inc., et al

Defendant

STATE OF NEW YORK
COUNTY OF ALBANY

SS.:

Jessica Miller, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on November 1, 2007, at 2:00 pm, at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed Civil Cover Sheet, Summons, Complaint and Rule 7.1

on

394 Grocery Corp., the

Defendant in this action, by delivering to and leaving with Donna Christie,

AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, 2 true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 40 dollars; That said service was made pursuant to Section 306 Business Corporation Law.

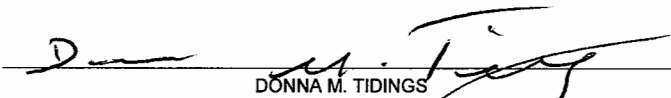
Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

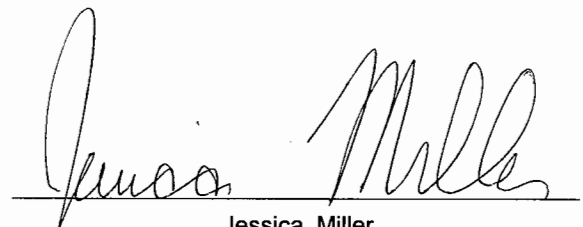
Description of the person served: Approx. Age: 38 Approx. Wt: 145 Approx. Ht: 5'5"

Color of skin: White Hair color: Blonde Sex: F Other: _____

Sworn to before me on this

5th day of November, 2007


DONNA M. TIDINGS
NOTARY PUBLIC, State of New York
No. 01T14898570, Qualified in Albany County
Commission Expires June 15, 2011


Jessica Miller
Invoice•Work Order # SP0709126